

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:95cr132-1

UNITED STATES OF AMERICA,

vs.

MICHAEL LEROY DARITY.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Strike Counsel's Notice [Doc. 305].

The Defendant moves to strike the Notice of Ineligibility filed by counsel on June 27, 2012, so that he may submit his own *pro se* motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2). [Doc. 305].

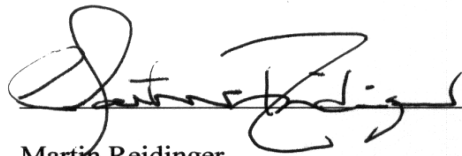
The Defendant's motion to strike counsel's notice is denied. Counsel filed the notice pursuant to the prior Order of this Court. See In re: Motion Based on Retroactive Crack Cocaine Guidelines Amendment, No. 3:11-mc-00179-RJC (W.D.N.C. Nov. 22, 2011). The fact that counsel has filed such notice does not preclude the Defendant from filing his *pro se* motion for a

reduction of his sentence, which in fact has been filed and will be addressed by the Court in a separate Order.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Strike Counsel's Notice [Doc. 305] is **DENIED**.

IT IS SO ORDERED.

Signed: October 2, 2012


Martin Reidinger
United States District Judge

